

**Board of Trustee Meeting
June 22, 2010**

The Board of Trustees of the Village of Cold Spring held a workshop meeting on Tuesday, June 22, 2010 at 7:30 pm at Village Hall, 85 Main Street, Cold Spring, NY. Attending: Mayor Seth Gallagher and Trustees Bruce Campbell, J. Ralph Falloon, Charles Hustis, III, Airinhos Serradas
Also Attending: William Ottaway, P.E. from the New York State Department of Environmental Conservation
Members of the Public

William Ottaway, P. E. attended at the request of the board to answer questions regarding the remedial action plan for the cleanup of the manufacturer gas plant located on New Street. Mr. Ottaway stated that we are currently transitioning from the Environmental Restoration Program to the State Super Fund in which the state bears all the costs. The site is listed as Class 2. The last step involves the legal staff making a formal referral to State Super Fund. However, with current state in Albany, the timeline is uncertain. The state will still aggressively track the site but cannot commit to an exact schedule. One obligation for the village is to close out the initial phase and to complete the environmental easement which should be done within 12 months of receipt of the packet. The critical path item is the survey. This work will be refundable but payment may not be as timely, in the short term. The initial State Assistance Contract had an expiration date of March 2010 and Mr. Ottaway has filed for a no cost time extension.

Mayor Gallagher opened up the meeting for questions from the board and public. Mr. Ottaway explained that three different remedies were proposed. The remedy selected includes excavation of the primary source area. If the boat club building comes down in the future then the state will look at removal but they are not planning on taking the building down. He explained that between the boat club and water the contamination is deep and it is unlikely that it will be contacted by people. Contamination decreases as it gets closer to the river and so it is not creating an environmental exposure. Mr. Ottaway explained there is a process for altering the remedy but one must submit additional information.

Questions were asked about the exact location, timeline, odor control, noise level, and equipment. Mr. Ottaway explained that there will be a better idea once the remedial design is done. Several methods of odor control were discussed including use of a temporary structure, working on small areas at a time and use of foam.

In response to questions about who makes this decision, Mr. Ottaway stated that the decision was made by our office and the clean up has to happen. Karen Phillips, resident of New Street, sought specifics with regard to odor control, air quality, and transportation. She was assured at the public hearing that there would be tenting and use of foam and she is concerned that something has changed and she is concerned about her children. Mr. Ottaway offered that even after the design is complete, one will not have all

these answers. The bid package should be less specific as this allows the contractor to use their expertise to look at a specific situation.

Practical difficulties and contingency plans with regards to use of the Lunn Terrace Bridge were mentioned and alternate methods of transportation were suggested such as barge and railroad. Mayor Gallagher asked to indicate in the bid package that the contractor should look at different methods of transportation. Mr. Ottaway noted this suggestion.

J. Pavlik, resident of 19 Market Street asked for monitoring and documenting of any damages to private property.

Mayor Gallagher asked to have public involvement in the design process.

Karen Phillips asked to go on the record to state that she would love to see this opened back up. She favors 100 % remediation or the maximum removal and asked why the boat club building can't be taken down now, which would also make room for staging. She called for the board to vote on what their opinion is. Mayor Gallagher stated that original plan that came from the consultant didn't include the option of taking down the boat club and excavating the parking lot without a full cleanup of the waterfront area. The consultant recommended removal of contamination under the parking lot area only. The alternative involving removal of the boat club building was developed by the DEC. Mayor Gallagher favored less rather than more and stated that the area that is most likely to have human contact will be removed. Trustee Hustis asked why alternative four was not selected. Mr. Ottaway pointed out the effect this alternative would have on groundwater flow patterns.

T. Foote asked about the medical effect of vapors. Mr. Ottaway acknowledged that human carcinogens were present in the contamination. Mr. Foote expressed concern about spills into his yard. He asked if there was an option of not removing and securing in place. Mr. Ottaway explained that the contamination was shallow and this material is able to be remobilized by activities nearby. With the site as close to the river, leaving in place is not an option.

Trustee Falloon favored either complete removal or leaving alone and didn't understand why the state chose to leave contamination under the boat club. He asked why not remove more now so this will never happen again. Also, the site will be large enough for a tent and staging and maybe a barge could be used. These comments were met by applause from the audience.

Mr. Ottaway said the DEC heard one thing from the public in the past and is hearing something different now. Mayor Gallagher showed a graphic representation showing 100% removal, which appeared to surprise some members of the audience.

S. Hawkins asked why the DEC was resistant to go with a more comprehensive remediation. Mr. Ottaway offered that it was mainly the disruption of the community. It was pointed out that more parties are willing to be inconvenienced. Mr. Ottaway added

that the material under the boat club, if significant, the DEC would still be interested in remediating.

Karen Phillips asked the board to reconsider. In this unique situation, Mr. Ottaway stated that it may be possible to revisit the situation. However, there may be funding questions now and the DEC may not commit to putting back the boat club building.

Boat Club members in attendance stated that their objection was not that the building would come down but the fear that the building would not be put back up.

Mr. Ottaway will bring the question of demolition and replacement of the boat club building back to the DEC and find out the process. He added that if we are looking at the question of reopening the investigation of contamination under the footprint of the current boat club, there will need to be further investigation before deciding that this is the right thing to do.

There was further discussion on the possible scenarios for operating the boat club during cleanup and transportation of contaminants. There was discussion on the restrictions placed by the easement and the release of liability offered by the ERP program. Mr. Ottaway pointed out that it is the DEC's responsibility to come up with a Record of Decision.

Mayor Gallagher asked the public to read the remedial action report.

Trustee Falloon moved to approve of the Insurance Policy Renewal (Premium for the 10/11 fiscal year is \$72,127.40) and seconded by Trustee Serradas and unanimously approved.

Trustee Hustis asked to revisit discussion on the options sent to County Executive Bondi for use of the Butterfield Hospital property. He asked if the list sent to County Executive will be part of a referendum for public vote and the Mayor responded that it was not.

There was discussion about procedural issues and Trustee Hustis wanted to go on the record in stating that he was not confused as to the second vote taken at the prior week's workshop and took offense to a subsequent email from the mayor that indicated that he was. Trustee Serradas favored considering additional options for use of the Butterfield site.

There was brief discussion on creating a liaison between the Town of Philipstown and the village. Mayor Gallagher appointed Trustee Hustis for board approval and unanimously approved.

Mike Gibson informed board members that sample LED lights have been set up at the garage for members to look at.

With no further business, meeting was adjourned.

Respectfully submitted,
Mary Saari, Village Clerk